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December 14, 2021

VIA EMAIL
townclerk@chilmarkma.gov

Jennifer L. Christy, CMMC
Town Clerk
Chilmark Town Hall
401 Middle Road
Chilmark, MA 02535

Re: Proposed Variance Request by 29 Basin Road “The Bite” Chilmark Assessor Parcel 21-81

Dear Ms Christy:

I write on behalf of my client Martha Cottle, Trustee of Cottle Family Realty Trust relating to the proposed variance requests made by the owners of 29 Basin Road, Chilmark, Robert Nixon, and Sarah Nixon. Ms. Cottle simply regards the request as unreasonable. Would you please forward this response to the Board of Health for consideration during their hearing scheduled for December 15, 2021?

In the fall of 2019, Ms. Cottle fully complied with the Chilmark Board of Health Regulations and the Title V regulations when installing a new septic system on her property at 6 D.H.’s Hill Road, Chilmark. Based upon her compliance, (although she is not an expert in either environmental or conservation issues), her understanding of the Chilmark Board of Health Regulations and Title V, is generally that the law, and local regulations are designed to protect the environment for the benefit of all. Any benefit from the proposed variance that may result for the Nixons, does not trump the environmental, conservation, and preservation purposes of the Chilmark Board of Health Regulations or Massachusetts Title V.

My client’s concern as an abutter, is exacerbated when the vast extent of the variance request by the Nixons is considered. [Ex. A] The Nixons are not seeking an incremental variance of the regulations and law, where a legitimate debate over the impact of a slight variance would follow. The extent of the variances requested by the Nixons is a median deviation from the Chilmark Board of Health Regulations of eighty-four- and one-half percent (84.5%), and a median deviation from Title V of eighty-seven and one-half percent (87.5%). [See attached Ex. A]

As mentioned, my client is neither an expert in conservation related issues, nor an expert in environmental issues, the Chilmark Board of Health Regulations, nor Title V. However, her concern as an abutter, is legitimate and reasonable, based upon the broad extent of the variances sought. Although, her recent septic installation was compliant (without the need of a variance) with the Chilmark Board of Health Regulations and Title V, Ms. Cottle would have no opposition to a variance request within a reasonable range of the regulations and law, where a legitimate debate of any, or limited environmental impact, may result.

Thank you for your courtesy and attention in this regard.

Very truly yours,

Michael L. Mahoney

Michael L. Mahoney PC

MLM/lm
Cc: Martha Cottle